IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CrRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1380 OF 1992.

Dr. Mallesh Narayan Gajenji .. Applicant
V/s
State of Maharashtra .. Respondent.

Mr. Sanjay Kshirsagar for the applicant.

Mr. R.Y. Mirza, APP for the Respondent.

CORAM : S.C. DHARMADHIKARI, J.

DATE : 13TH OCTOBER, 2006.

P.C.

. Heard forthwith.

. Mr. Kshirsagar states that this application was admitted by this court way back in the year 1992 and by precise on 30th Jun, 1992. The trial in pursuance of the complaint at annexure "B", has been stayed by this Court.

2. At the relevant time the petitioner had obtained a degree i.e. Bachelor in Electropathy Medicine and surgery. On the basis of registration granted by a Society in his favour he has commenced practice.

However, after this application was admitted and interim order has been granted and even prior there to the applicant has stopped his practice. He has no interest in commencing the said practice and in any event, until the issuance of registration/recognition is decided by appropriate authorities. The applicant is in tailoring business and operating from some distinct premises in Bhiwandi.

3. Shri Kshirsagar brings to my notice the Judgment of this Court reported in **2001 (4) Mah. L.J. 553 (Electropathy Medicos of India V. State of Maharashtra and others).** This court held that th**e Course of Electropathy/Electro Homoeopathy is not** recognised under any statutory enactments and therefore, the State Government has rightly directed the institution to stop the Courses which were conducted by it. Shri Kshirsagar states that Electropathy System of Medicine (Recognition) Bill 1988, is sought to be introduced way back in 1988. However, it is clear that till date there is no recognition granted to this system of medicine.

4. Be that as it may, in the light of the statement of Shri Kshirsagar that the applicant has stopped the

practice in 1991 itself and closed down the dispensary, so also trial being stayed for last more than 14 years, without entering into any larger controversy it would be appropriate, if proceedings are quashed.

5. Thus, only in the peculiar facts of this case and in the light of the statement made in presence of the petitioner by Shri Kshirsagar, that the proceedings against the applicant in pursuance to the complaint at annexure "B" are quashed. The Rule is made absolute in terms of the interim order granted by this court. It is needless to clarify that this order would not be treated as precedent in any other case.

(S.C. DHARMADHIKARI, J.)

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CrRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5825 OF 2005.

AND

CRIMINAL APPLICATION NO. 5826 OF 2005

IN

CRIMINAL APPLICATION NO. 1380 OF 1992.

Dr. Mallesh Narayya Gajenji ..Applicant

V/s

State of Maharashtra .. Respondent.

Mr. Sanjay Kshisagar for the applicant.

Mr. R.Y. Mirza, APP for the State.

CORAM : S.C. DHARMADHIKARI, J.

DATE : 13TH OCTOBER, 2006.

P.C.

. Criminal Application Nos. 5826 and 5825 of 2006

are preferred firstly for condoning the delay and for for restoration of the Criminal Application No. 1380 of 1992, which was dismissed in default.

2. Mr. Kshirsagar appearing for the applicant states that he is ready to argue the matter at this stage. Since the petition is of 1992 and pending in this Court for the last 14 years and Shri Kshirsagar expressing his willingness to argue the matter, I proceed to condone the delay and restore the application.

(S.C. DHARMADHIKARI, J.)